United Nations S/PV.6011

Security Council

Sixty-third year

Provisional

6011th meeting

Thursday, 6 November 2008, 10 a.m.

New York

President:	Mr. Urbina	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Rogachev
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

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08-59012 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

The President (*spoke in Spanish*): The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 2009 on the expiry of the terms of office of the following Judges: Judge Ronny Abraham (France), Judge Awn Shawkat Al-Khasawneh (Jordan), Judge Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland), Judge Gonzalo Parra-Aranguren (Bolivarian Republic of Venezuela) and Judge Raymond Ranjeva (Madagascar).

The list of candidates indicating the national groups by which each candidate was nominated is contained in documents S/2008/503 and Add.1 and Add.2. In that connection, I should like to draw the attention of members to the note by the Secretary-General contained in document S/2008/503/Add.2, in which he reports that the national group of Colombia decided to withdraw its nomination of Mr. Rafael Nieto Navia as a candidate. Since Mr. Nieto Navia was nominated only by the national group of Colombia, his name is not included on the ballot papers.

I should like to inform the members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 4 November 2008, informing me, on behalf of the Secretary-General, that after the established deadline for the filing of nominations, namely 30 June 2008, several national groups submitted nominations to the Secretariat. I should like to draw members' attention to the fact that all such additional nominations relate to candidates already nominated by other national groups, whose names therefore already appear in documents S/2008/503 and Add.1 and Add.2. The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decisions of the aforementioned national groups. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations of the aforementioned national groups are as follows: for Mr. Ronny Abraham, Italy, the Russian Federation and Uruguay; for Mr. Awn Shawkat Al-Khasawneh, Italy, Paraguay and Uruguay; for Mr. Antônio Augusto Cançado Trindade, Chile, El Salvador, Paraguay, Spain and Uruguay; for Mr. Christopher Greenwood, Italy and the Russian Federation; and for Mr. Abdulqawi Ahmed Yusuf, Italy and Uruguay.

The Security Council has before it a memorandum by the Secretary-General contained in document S/2008/502, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than five, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies. Balloting will continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to established practice and as set forth in paragraph 13 of the Secretary-General's memorandum, a new vote will be held on all the candidates. That rule will also apply to any subsequent ballots if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all the candidates. No candidacy withdrawal will be accepted once the ballot papers have been distributed. However,

it will be possible to withdraw a candidacy between ballots.

Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election.

I should like to remind members of paragraph 10 of the Secretary-General's memorandum (S/2008/502), which specifies that "Each elector may vote for not more than five candidates on the first ballot". Any ballot paper containing votes for more than five names will be considered invalid.

I should like to inform Council members that, in accordance with established practice, the ballot papers in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

Only when five candidates have obtained the required majority of votes in the Security Council shall I communicate the result to the President of the General Assembly. I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

The delegations of France and the United Kingdom of Great Britain and Northern Ireland will not be considered to serve as tellers because candidates of those two nationalities have been nominated. Because my delegation this month occupies the Council presidency, it will also be excluded from serving as a teller.

In this box are the names of the 12 other delegations that can serve as tellers. I will now draw two.

The delegations of China and Belgium have been chosen. I invite those delegations to appoint one of their members to serve as teller.

At the invitation of the President, Mr. Zhou Yong (China) and Mr. Van Kemseke (Belgium) acted as tellers.

The President (*spoke in Spanish*): May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

We will now take a brief pause to inform the President of the General Assembly that the Council is ready to vote.

* * *

The President (*spoke in Spanish*): I have been told that in the General Assembly ballot papers have already been distributed. I request the conference officer to distribute ballot papers in the Security Council.

I remind members to place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

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The President (*spoke in Spanish*): I take it that all the members of the Council have now voted. I ask the conference officer to collect the ballot papers.

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The President (*spoke in Spanish*): All the ballot papers have been collected. I should like to remind the Council that, in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President (*spoke in Spanish*): I have been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. I would like to remind Council members that, in accordance with the established practice, I must wait for the counting to be finished in the General Assembly before I announce the results of the voting in the Security Council.

The tellers will be counting the ballots. As agreed in our consultations, there will be two independent countings of the ballots.

I understand as well that the President of the General Assembly has proposed that the Assembly suspend its meeting until 11.30 a.m., when it will resume. I propose that, with the consent of the members of the Council, we do the same, and that we return here in 45 minutes, at 11.30 a.m.

There being no objection, it is so decided.

The meeting was suspended at 10.50 a.m. and resumed at 11.40 a.m.

The President (*spoke in Spanish*): Given that the procedure that governs the election presumes that the results of the votes will be announced in the General Assembly and in the Security Council at the same time, we are waiting for the Assembly to confirm to us that they are also ready to read out the results.

It is a matter of just one or two minutes, and I would ask members to be patient.

* * *

The President (*spoke in Spanish*): I wish to inform the Council that five candidates obtained an absolute majority in its first vote. The result of the voting in the Security Council is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	13
Mr. Awn Shawkat Al-Khasawneh	13
Mr. Sayeman Bula-Bula	1
Mr. Antônio Augusto Cançado Trindade	14
Ms. Miriam Defensor-Santiago	5
Mr. Christopher Greenwood	15
Mr. Maurice Kamto	6
Mr. Abdulqawi Ahmed Yusuf	8

Accordingly, the five candidates who obtained the required majority of votes in the Security Council are Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Mr. Christopher Greenwood and Mr. Abdulqawi Ahmed Yusuf. I have communicated the result of the voting to the President of the General Assembly in writing.

I wish to inform the Council that I have just received from the President of the General Assembly the following letter:

> "I am writing to inform you that at the 39th plenary meeting of the General Assembly, which was held today for the purpose of electing five members of the International Court of Justice, the following five candidates received an absolute majority of votes in the General Assembly: Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade, Ms. Miriam Defensor-Santiago and Mr. Christopher Greenwood."

As both the Security Council and the General Assembly have agreed on four candidates, the jurists Mr. Ronny Abraham, Mr. Awn Shawkat Al-Khasawneh, Mr. Antônio Augusto Cançado Trindade and Mr. Christopher Greenwood have been elected to the International Court of Justice for a period of nine years, beginning on 6 February 2009. I should like to congratulate them warmly and to wish them every success in the high office to which they have been elected.

As a result of the voting that has taken place in the Security Council and in the General Assembly, four members of the Court have been duly elected. In accordance with Article 11 of the Statute of the Court, the Council will now proceed to hold a second meeting to elect a candidate by further ballots for the seat remaining to be filled. Accordingly, I shall adjourn this meeting, and call to order the second meeting to elect a candidate by further ballot, after a brief recess to allow for the preparation of new ballots.

The meeting was adjourned at 12.05 p.m.